IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO. 55 OF 2005

M/s. Jain Brothers ... Applicants

Versus

Union of India ....Respondent

Mr. G.L. Masand for the applicant.
Mr. Suresh Kumar for the respondent.

CORAM: **DALVEER BHANDARI, C.J.**
DATE: SEPTEMBER 26, **2005**.

P.C.

According to Clause 64 (3) (a) (ii) of the General Terms of Contract, the Railways will send a panel of more than three names of Gazetted Railway Officers of one or more department of the Railway to the contractor who will be asked to suggest to General Manager upto 2 names out of the panel for appointment as contractor's nominee. The General Manager shall appoint at least one out of them as the contractor's nominee and will also simultaneously appoint the balance number of arbitrators either from the panel or from outside the panel duly indicating the presiding arbitrators from amongst the three arbitrators so appointed. In view thereof, I direct the General Manager,Western Railway to appoint the panel of arbitrators in

consonance with Clause 63 (3)(a) (ii) of the General Conditions of Contract. Let this be done within four weeks from the date of receipt of this order. All contentions are kept open. This application is accordingly disposed of.

CHIEF JUSTICE